

ASHA SMITH and EMMA NEDLEY, each)
individually and on behalf of all others)
similarly situated,)

Plaintiffs,

y.

UNIVERSITY OF PENNSYLVANIA.

Defendant.

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proceeds; Penn's financial aid to students; the COVID-19 pandemic's impact on Penn's finances; and Penn's pandemic-related financial support provided directly to students.

3. The descriptions of the spring 2020 semester general, clinical, and technology fees that were in place and published on Penn's website at least from August 2019 through June 1, 2020 stated as follows:

General Fee: The general fee is assessed to all undergraduate, graduate, and professional students and directly supports a variety of student related activities, services, and spaces.

Technology Fee: This fee assists with the cost of computer labs and technological services.

Clinical Fee: This mandatory fee gives students unlimited access to Student Health Service.

4. Exhibits A and B include true and correct copies of fee descriptions that were posted on Penn's website on December 17, 2019 and June 1, 2020, respectively. *See* Ex. A, at PENN_00001196; Ex. B, at PENN_00001191.

5. The amount of the three fees assessed to students vary significantly. The General Fee for undergraduates during the spring 2020 semester, for example, was \$2,568. And while the General Fee was \$1,660 for many graduate and Ph.D. students, this fee was only \$416 for Ph.D. students with a reduced tuition dissertation status, while it was \$1,867 for graduate students in the Teacher Education, M.Ed. program. Numerous programs at Penn did not even charge a General Fee, but rather a Program Fee (e.g., full-time study abroad undergraduates and Wharton School Executive MBA students). Approximately 1,013 students were not charged a General Fee in the spring 2020 semester. The Technology Fee was also not uniform and varied depending on a student's class standing, degree, and how many course units they are enrolled in. Approximately 6,894 students were not charged a Technology Fee for the spring 2020 semester.

The Clinical Fee was a flat fee of \$304 per semester for full-time students, though approximately 4,009 students were not charged a Clinical Fee for the spring 2020 semester.

6. Penn allocates the proceeds from the General Fee for distribution on a monthly basis—i.e. in 1/12th portions. All of these allocations, including those for accounting categories associated with student services, were maintained throughout the 2020 fiscal year (which includes the spring 2020 semester at issue) and were not reduced during the post-pandemic portion of the 2020 semester.

7. Despite the fact that the pandemic had an adverse impact on Penn's finances, Penn did not reduce its prior financial commitments to students. Overall, approximately 47% of Penn undergraduate students and approximately 52% of Penn non-undergraduate students received some financial aid. And Penn provided \$360,863,000 in undergraduate and graduate financial aid grants and scholarships towards tuition and fees during fiscal year 2020 (which includes the spring 2020 semester at issue). As compared to the prior fiscal year, students received \$10,882,000 more in financial aid grants and scholarships.

8. The cost of attendance, financial need, and the resulting financial aid award will vary from student to student. For example, for the spring 2020 semester, Penn provided financial aid to students ranging from \$50 to \$77,897.

9. Penn was financially impacted by the pandemic. Most of the costs that Penn was incurring prior to the pandemic (which were mostly labor costs) were fixed and continued unabated during the pandemic, while Penn lost significant revenue as a result of the pandemic. From March 2020 through June 2020 (i.e., the last four months of Penn's fiscal year), Penn's revenues were \$104,803,000 lower as compared to the same period the year before. After costs

are subtracted, Penn's net assets from operations in the last four months of fiscal year 2020 decreased by \$9,003,000, or 10.8%, as compared to the last four months of fiscal year 2019.

10. Penn Student Registration & Financial Services, in conjunction with Student Intervention, Penn First Plus, the Graduate School of Education, the Provost's Office, and other Penn offices, provided emergency pandemic-related financial support directly to students for the post-pandemic portion of the spring 2020 semester, including providing approximately \$11 million to students to assist with a variety of needs, including but not limited to, travel costs, expenses for food, laptops, and other technology costs. This support included approximately: \$154,708 to assist 377 students with travel costs incurred after the onset of the pandemic; \$212,490 to assist 474 students with expenses for items such as food after they departed campus; \$9,817,002 to assist 3,456 students by waiving all summer salary expectations, thereby freeing students to pursue a wider array of opportunities; \$482,184 to 42 students whose financial aid packages were reevaluated between March and May 2020 due to pandemic-related family financial changes; at least \$173,140 to students for laptops and technology costs; and \$259,742 in COVID-19 Emergency Grants to assist 392 graduate and professional students with unanticipated expenses related to the onset of the pandemic.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and this declaration is executed this 24th day of February, 2022 at Philadelphia, Pennsylvania.


Trevor Lewis